UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA SOUTH BEND DIVISION

In re FEDEX GROUND PACKAGE SYSTEM, INC., EMPLOYMENT PRACTICES LITIGATION)	Case No. 3:05-MD-527-RM (MDL 1700)
THIS DOCUMENT RELATES TO: Scott Ward, et al. v. FedEx Ground Package System, Inc. Civil No. 3:09-cv-00356-RLM-CAN (FL)	CHIEF JUDGE MILLER

DEFENDANT FEDEX GROUND PACKAGE SYSTEM, INC.'S MOTION TO DISMISS PLAINTIFFS WARD, ET AL.'S (FL) SECOND AMENDED COMPLAINT UNDER FED. R. CIV. PRO. 12(b)(6)

Defendant FedEx Ground Package System, Inc. ("FedEx Ground"), by and through its undersigned counsel, and pursuant to Federal Rule of Civil Procedure 12(b)(6), hereby moves this Court for an order dismissing the above-captioned action in its entirety, with prejudice, for failure to state a claim on which relief can be granted. The grounds for FedEx Ground's motion are set forth in the accompanying Memorandum of Law.

Dated: August 21, 2009 Respectfully submitted,

By: <u>/s/Chris A. Hollinger</u> Chris A. Hollinger

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 21st day of August, 2009, the foregoing was filed with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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The undersigned further certifies that a copy of the foregoing was sent via U.S. Mail

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